

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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*Southern District of New York*  
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September 9, 2021

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: United States v. John E. Cabrera  
18 Cr. 92 (KPF)**

Honorable Judge Failla,

I write to respectfully request that the Court order John Cabrera released on bail pursuant to the conditions described below.

By way of background, Mr. Cabrera was originally arrested in October 2017 and charged with several drug distribution counts, in violation of 21 U.S.C. §§ 841(a), 841(b)(1)(C) and 841(b)(1)(B). As the Court likely recalls, the charges stemmed from Mr. Cabrera's sale of fentanyl pills to a government informant. He had no prior criminal history. Following his arrest, Mr. Cabrera was released on bail. He performed well on bail and remained in the community through trial in March 2019.

Mr. Cabrera was convicted at trial and remanded on March 26, 2019. In October 2019, this Court sentenced him to 48 months in prison. He has completed the majority of this sentence and had a projected release date of August 2022.

Mr. Cabrera appealed his trial convictions and on September 8, 2021, the Second Circuit Court of Appeals vacated these convictions and remanded the case for a new trial.

In light of the circuit's order vacating Mr. Cabrera's convictions, we now move for bail on his behalf. We request that the Court order Mr. Cabrera released on bail with conditions including: a \$100,000 personal recognizance bond, to be co-signed by two (2) financially responsible people; regular pretrial supervision; surrender of all travel documents and no new applications for travel documents; travel restricted to the SDNY, EDNY, the District of New Jersey, and all points necessary for Mr. Cabrera to travel from his current prison in West Virginia back to New Jersey.

We further request that the Court order Mr. Cabrera to be released immediately, with all remaining conditions (including his own signature on the appearance bond and his co-signers' signatures) to be met within one week of his release. We ask that the Court order Mr. Cabrera to make his initial report to Pretrial Services in New York within 48 hours of his release.

We have been in touch with Mr. Cabrera's family and it is our understanding that, if released, he will reside with his father in New Jersey. We anticipate that his bail co-signers will be family members or close friends, likely his father and sister.

I have conferred with AUSA Danielle Sassoon on behalf of the government and it is my understanding that the government consents to Mr. Cabrera's release on bail pursuant to these conditions. Please let me know if I can provide any additional information related to this application. Thank you for consideration of this request.

Respectfully submitted,

/s/

Sarah Baumgartel

Assistant Federal Defender

Tel: (212) 417-8772

cc: Government Counsel (by ECF)

Application GRANTED. It is hereby ORDERED that Mr. Cabrera is released on bail pursuant to the conditions set forth in the above letter.

Dated: September 9, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE